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Before the Federal Communications Commission Washington, DC 20554

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	MARKET THE SECRETARY	

In the Matter of	}
Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations.) MM Docket No. 01-248) RM-10241
(Dos Palos and Chualar, California)	,))

To: Mass Media Bureau (Policy & Rules)

COMMENTS IN OPPOSITION

J & M Broadcasting Inc., licensee of FM station KBOQ, Carmel, California, ("KBOQ"), by its attorney, respectfully opposes the Commission's proposal, as described in its Notice of Proposed Rule Making, DA 01-2206, released September 21, 2001 ("NPRM"). Therein, the Commission proposed substituting Channel 240A at Chualar, California, for Channel 240A at Dos Palos, California, and modifying the license of FM Station KNTO accordingly. In support thereof, the following is shown.

This proceeding goes back to March 20, 2000, when KNTO filed a petition for rulemaking to change its city of license from Livingston, CA to Dos Palos, CA. See MM Docket 00-92. Therein, KNTO pointed out the benefits of such a change, particularly that Dos Palos, a substantial community of over 4,000 people, would obtain its first local transmission service, while Livingston would retain local service. KNTO committed to promptly apply for a construction permit to serve Dos Palos upon grant of its request, and, at least by implication, to construct and operate the station

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as a Dos Palos facility. The Commission granted KNTO's request, 15 FCC Rcd 20225 (2000), and subsequently granted KNTO's application for a construction permit at Dos Palos (File No. BPH-20010214ACG).

However, KNTO has not constructed its Dos Palos station. Rather, it seeks to move the station again, this time to Chualar, but gives no reason for wanting to abandon Dos Palos. As shown in KNTO's petition for rule making, the spacing for a Chualar allotment is limited by KBOQ, among other stations, and KNTO's proposed site is at about the minimum permissible distance to KBOQ. Grant of KNTO's request would thus severely limit KBOQ's ability to change its transmitter site, should that become necessary. As KBOQ would be adversely affected by the instant proposal, it has standing to participate in this proceeding.

The provisions of Section 307(b) of the Communications Act must be met for the Commission to authorize a change in city of license of a broadcast station. As the Commission noted in its NPRM, first local service is the third priority, while second local service is the fourth. The Commission recognized these priorities in its earlier ruling which granted KNTO's request to change its city of license from Livingston to Dos Palos.

KNTO's proposal, however, does not comport with the Section 307(b) priorities. Chualar is the city of license of station KHAD. While KHAD is an educational station, the Commission considers educational stations in evaluating local transmission services. Dos Palos, in contrast, has no local transmission service. Hence, changing KNTO's city of license as proposed would result in

substituting a priority four city for the existing priority three city. Clearly, this does not meet the goals of Section 307(b). Such a proposal must be denied. Hamilton, Meridian, and Marble Falls, Texas, DA 99-724 (Allocations Branch, 1999).

Moreover, Dos Palos is significantly larger than Chualar. As the NPRM noted, the population of Dos Palos is 4,581, while Chualar's is only 1,444. Thus, even if Chualar had no local service, Dos Palos would be favored, for the more populous community generally is given the allotment when the Commission considers where to allot a first local service. Blanchard, Louisiana, 10 FCC Rcd 9828 (1995).

Attached hereto are a number of letters from city officials, community leaders, and other residents of Dos Palos testifying to the needs of that city for its own station. Among those persons writing in support of keeping KNTO at Dos Palos are the Mayor, the City Manger, the Superintendent of Schools, the president of the Women's Improvement Club, the Chairman of the Board of an applicant for a low-power FM station, as well as twenty-three resident of Dos Palos. These letters note that a local radio station is urgently needed to provide instantaneous communications in times of emergencies, as well as to address the unique local needs and interests of Dos Palos. These citizens, who have made the effort to

¹ As the NPRM recited, "we do not generally believe that the public interest is served by removing a community's sole local service merely to provide service to another community."

² While the Commission also takes reception services into account, there is nothing to show that either community does not receive an adequate number of services.

express their concerns over the prospective loss of Dos Palos' station, should not be ignored. This impressive showing of support for keeping KNTO at Dos Palos further demonstrates that the removal of KNTO from Dos Palos does not serve the public interest.

KNTO has attempted to mislead the Commission by asserting that its present community of license is Livingston, and thus that the comparison for Section 307(b) purposes is between Livingston and Chualar. KNTO is well aware that the Commission modified its license to specify Dos Palos as its city of license when it concluded the previous rule making proceeding. Under Commission policy, KNTO has implicit temporary authority to continue to operate from its Livingston transmitter site until it constructed its new site at Dos Palos. However, KNTO is now a Dos Palos station, not a Livingston one, and the proper comparison is between Dos Palos and Chualar.

KNTO's attempt to move its station from Dos Palos without constructing there, and without providing any reason for not doing so, calls into question the <u>bona fides</u> of its original representations to the Commission that it intended to become a Dos Palos station. The Commission should not reward KNTO for its improper actions, and allow its processes to be manipulated, by permitting KNTO to abandon Dos Palos.

It is clear from the above that the public interest demands denial of the proposal of KNTO, Inc. The allotment at Dos Palos must remain.

Respectfully Submitted,

J & M BROADCASTING, INC.

Jerrold Miller
Its Attorney

November 9, 2001

Miller & Miller, P.C. P.O. Box 33003 Washington, DC 20033



Dos Palos

CITY HALL -- 1546 GOLDEN GATE AVENUE DOS PALOS, CALIFORNIA 93620 PHONE (209) 392-2174 FAX (209) 392-2801

November 1, 2001

Federal Communications Commission Washington DC

Gentlemen:

My name is Jerry Westlake, a businessman and Mayor of the City of Dos Palos, California. I am aware that radio station KNTO has been authorized to move to Dos Palos, California. It will be the City's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

I understand that KNTO has asked the FCC for permission to abandon Dos Palos in favor of Chualar in Docket 01-248. I strongly oppose this move. The City of Dos Palos, is considerably larger than the unincorporated community of Chualar, which already has its own station, KHDC, to provide broadcast information. Moving KNTO out of Dos Palos would deprive our city of its opportunity to have its own outlet, and would be a great disappointment to those of us who have been anticipating our own local radio station.

Please let me know if I can be of further assistance.

Yours truly,

Jerry Westlake Mayor of Dos Palos



Dos Palos

CITY HALL -- 1546 GOLDEN GATE AVENUE DOS PALOS, CALIFORNIA 93620 PHONE (209) 392-2174 FAX (209) 392-2801

October 31, 2001

Federal Communications Commission Washington DC

Dear Communications Officials:

It has come to my attention that Radio Station KNTO (FM 95.9), currently authorized in the congested Merced area at Livingston, California has requested authorization to move to Dos Palos, California. Such a move would mean that Dos Palos will have its very first Radio Station--either AM or FM.

As the City Manager and as an active community leader in Dos Palos, I am keenly aware of our local need for an instantaneous source of news and weather. In light of recent terrorist attacks, the need for fast, accurate information has never been greater. Other stations concentrate on their own areas or on regional news, while this area is critically ignored.

Now I understand that the ownership of KNTO intends to then re-locate station KNTO to the Salinas market community of Chualar, California, abandoning the City of Dos Palos before its first broadcast (q.v. Docket 01-248). Further, moving the station to Chualar will create interference problems with nearby existing stations and nearby frequencies.

Surely, placing a radio station in Dos Palos, a community currently not served by any local radio station is the best use of this license. Thank you for your consideration.

Sincerely,

Darrell Fonseca City Manager

Darrell touseca



FIED SCHOOL DISTR

DOS PALOS - ORO LOMA

Robert Fore, Ph.D., Superintendent of Schools

BOARD OF TRUSTEES

Joe Castillo
Albert Catrina
Paul Goodman
Norma Nordstrom
Thomas Pigg
David Pruitt
Mike Wood

November 2, 2001

Federal Communications Commission Washington, D.C.

Dear Sir:

I am writing in regard to the radio station KNTO that has been authorized to move to Dos Palos, California. As the Dos Palos-Oro Loma Joint Unified School District Superintendent of Schools, I fully support KNTO as the city's first radio station. The establishment of KNTO as a Dos Palos station would be invaluable in times of emergencies and would provide the opportunity to address local issues and broadcast local news and information.

KNTO has requested that the FCC grant permission to abandon Dos Palos in favor of Chualar in Docket 01-248. Since Chualar has its own station KHDC and is considerably smaller than Dos Palos, I respectfully request that the FCC deny permission to KNTO to move to Chualar.

Dos Palos is excited about having its own local radio station and would be greatly disappointed if our community was denied this opportunity.

Thank you and please let me know if I can be of further assistance.

Sincerely,

Robert H. Fore, Jr., Ph.D.

Robert Fore

Superintendent

RHF:db



Women's Improvement Club of Dos Palos, Dos Palos, California

Federal Communications Commission Washington D.C.

Gentlemen:

The Women's Improvement Club of Dos Palos has been serving our community since 1910. Our purpose is "to be a civic league, and to carry on among member clubs a definite educational program along lines of moral, social welfare and civic interests." (Articles of Incorporation.)

We have recently become aware that radio station KNTO, has been authorized to move to Dos Palos. Dos Palos presently has no radio station. Currently we have no broadcast capabilities in the event of emergencies at our local schools or within our city limits and surrounding areas.

Dos Palos would greatly benefit from a local station to announce community events, broadcast local news and information and address local issues such as our upcoming school board election. It would also provide an on-air opportunity for local commerce to advertise.

We further understand that KNTO has asked the FCC for permission to abandon Dos Palos in favor of Chualar in Docket 01-248. We strongly oppose this move. Chualar already has a local radio station, KHDC. Moving KNTO out of Dos Palos would deprive our city of it's opportunity to have it's own outlet and would be a great disappointment to those of us who have been anticipating our own local radio station.

The Women's Improvement Club of Dos Palos has voted unanimously to write and present this letter to you. Thank you for your attention.

Sincerely, Yalleen, Cacalante

Kathleen Escalante

President, Women's Improvement

Club of Dos Palos

Dos Palos Radio 8083 Carmellia Dos Palos, CA. 93620 (209) 392-3944

Federal Communications Commission Washington D.C.

Gentlemen:

November 1, 2001

Dos Palos Radio, a nonprofit corporation, has been working for the past sixteen months to bring a Low Power FM station to Dos Palos. Our purpose in doing this has been to provide Dos Palos with a means to broadcast local emergency information as well as to keep our community informed on local news and events and to provide an educational venue to our citizens.

Dos Palos currently has no radio station. Stations in surrounding communities do not adequately address the needs of Dos Palos.

Recently we discovered that KNTO radio station had been authorized to move to Dos Palos. Although this is a commercial station, we were pleased to know we would at least have a local station. A commercial station would benefit local commerce by way of advertising, which our small, nonprofit station would not.

We now understand that KNTO has asked the FCC for permission to abandon Dos Palos and move to Chualar in Docket 01-248. We would like to present our strong opposition to this move. The population of Dos Palos

1

is larger than Chualar's and Chualar already has a radio station, KHDC, to broadcast local information.

If KNTO abandons it's plan to move to Dos Palos it will deny our city the chance to have it's own voice. Further, it will leave us with no public service broadcast system in case of emergencies in our schools, our city and in the surrounding area.

This commercial station is a true necessity for our community. We ask your help in keeping KNTO here.

Thank you for your time and attention,

Sincerely

Mary Oney,

Chairman of the Board,

Dos Palos Radio

Gentlemen.

My name is <u>Seral derive</u> Sorg and I live at <u>Dos Palos</u>, California. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

I understand that KNTO has asked the FCC for permission to abandon Dos Palos in favor of Chualar in Docket 01-248. I strongly oppose this move. Dos Palos is considerably larger than Chualar which has its own station KHDC to broadcast local information. Moving KNTO out of Dos Palos would deprive our city of its opportunity to have its own outlet, and would be a great disappointment to those of us who have been anticipating our own local radio station.

Please let me know if I may be of further assistance.

Geraldine Sorg

Yours truly,

Gentiemen.

My name is Norma Nord Strom and I live at 1002 Golden Cate Dos Palos. California. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Please let me know if I may be of further assistance.

Yours truly

Joina Sjudstrom

Gentlemen:

My name is And I live at San Mulder Published.

Dos Palos, California. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Please let me know if I may be of further assistance.

Yours truly,

Foderal Communications Commission

Washington, D. C.

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Please let me know if I may be of further assistance

Yours truly

Jina Pyle

Gentlemen

My name is Amada Gesting and Hive at Dos Palos. California. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Please let me know if I may be of further assistance

Yours truly,

Emunda Løsleig

Gentlemen

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Please let me know if I may be of further assistance

Yours truly. The Change in Change

Gentlemen

My name is Wone Von College and I live at 16.554 No Headern Dos Palos California. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Please let me know if I may be of further assistance

Yours truly.

Wince Von allman

Gentlemen

My name is Acres Mens and I live at 16554 N. Hudam Dos Palos, California. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Please let me know if I may be of further assistance.

Yours truly,

Kemo Merck

Gentlemen

My name is WALTER PANK RAP and I live at 1712 DORADOS Palos. California. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Please let me know if I may be of further assistance

Yours truly,

walter Panhros

Gentlemen

My name is Cauc Nully, and I live at 2302 PALO ATTO Dos Palos. California. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Please let me know if I may be of further assistance

Yours truly,

Gentlemen:

My name is Kathy Toppe, and I live at 42198 W. Vallerca Dos Palos, California. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Yours truly, Lathy Loppe

Please let me know if I may be of further assistance.

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Gentlemen

My name is Nellie Reg Surremph live at Dos Palos. California. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Please let me know if I may be of further assistance.

Yours truly,

Nellie Ray Survera

Gontiemen

My name is COLING VICTOR and Liive at YOUR CLARGE LLIANDOS Palos. California. Lam aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. Lam looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Please let me know if I may be of further assistance.

Vours truly

Gentlemen.

My name is Naomi Srown, and I live at 165 PalotAlto St. Dos Palos, California. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Yours truly,

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Yours truly.

MINULLY TREET,

Gentiemen

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Yours truly

Please let me know if I may be of further assistance

Gentlemen

My name is Colon Meland live at 2018 Meland Dos Palos, California. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Please let me know if I may be of further assistance.

Yours truly,

Raith M Halland

Gentlemen

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Please let me know if I may be of further assistance

Yours truly,

>>> > og

Gentlemen.

My name is help help and, and I live at 8555 W. Hutch Dos Palos, Califordia. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Yours truly,

Contiemen

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Yours truly, All All

Contlemen

My name is YNN MULHICLANAND live at 8533 W. HUTASHINS

Dos Palos California. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

Lunderstand that KNTO has asked the FCC for permission to abandon. Dos Palos in favor of Chualar in Docket 01-248. I strongly oppose this move. Dos Palos is considerably larger than Chualar which has its own station KHDC to broadcast local information. Moving KNTO out of Dos Palos would deprive our city of its opportunity to have its own outlet, and would be a great disappointment to those of us who have been anticipating our own local radio station.

Jun Mul holland

Please let me know if I may be of further assistance

Gentlemen:

My name is <u>ATRICIA</u> R. <u>Policy</u>and I live at <u>2355 Linclin</u> SAD Dos Palos, California. I am aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. I am looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Please let me know if I may be of further assistance.

Yours truly, Aruaa Malay

Gentlemen.

My name is Pengli Ballinger, and I live at 2533 Lincoln. Dos Palos. California. Fam aware that radio station KNTO has been authorized to move to Dos Palos. It will be the city's first radio station. Fam looking forward to KNTO going on the air as a Dos Palos station. Dos Palos needs its own station to broadcast local news and information and address local issues. In times of emergencies, a Dos Palos station would be invaluable. Other stations, which concentrate on their own communities, do not provide adequate coverage of the needs of Dos Palos.

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Please let me know if I may be of further assistance

Yours truly,) Ilysý Dallinger

CERTIFICATE OF SERVICE

I hereby certify that on this ______ day of ________, 20 , a copy of the foregoing document was placed in the United States mail, first class postage prepaid, addressed to the following:

Dan J. Alpert, Esq. 2120 N. 21st Rd. Arlington, VA 22201

Valarie M. Llaris